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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,942	11/14/2003	Hiroaki Endo	03500.017819	7415

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/706,942

Applicant(s)

ENDO, HIROAKI

Examiner

Girumsew Wendmagegn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-12 is/are rejected.
- 7) ☐ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/30/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*TTA*  
*7/8/07*  
*1-3 and 11-12*  
**Claim ~~1-2, 11-12~~** is rejected under 35 U.S.C. 102(b) as being anticipated by

Osawa et al (Patent Number US 6,038,345).

Regarding claim 1, 11 and 12, Osawa et al (hereinafter Osawa) anticipates an image processing apparatus comprising: input means for inputting first image data and second image data different from the first image data, at least one of the first image data and the second image data being encoded while being subjected to orthogonal transformation processing (see figure 4 element 40-43); transformation means for transforming the first image data and the second image data into orthogonal transformation coefficient data (see figure 4 element 40-43); and synthesis means for synthesizing the first image data and the second image data transformed by said transformation means (see figure 4 element 45 and figure 2 element 25).

Regarding claim 2, an apparatus according to claim 1, further comprising encoding means for encoding image data obtained by the synthesis of said synthesis means (see figure 4 element 45-47 and column 6 line 7-10).

Regarding claim3, an apparatus according to Claim1, wherein the first image data and the second image data input by said input means are subjected to orthogonal transformation and encoding, and wherein said transformation means decodes the image data to orthogonal transformation coefficient data (see figure4 element 40-43 and column1 line54-62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim7-8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al. (Patent Number US 6,038,345) as applied to claim1-3, 11-12 above, and further in view of Shirakawa et al (Patent Number US 5,949,953).

Regarding claim7 and 8, see the teaching of Osawa above. Osawa does not teach quantization means for quantizing the image data obtained by the synthesis and recording the encoded image data. However Shirakawa et al (hereinafter Shirakawa) teaches quantization means for quantizing the image data obtained by the synthesis and recording the encoded image data (see figure28 element 505 and element 511-514).

One of ordinary skill in the art at the time the invention was made would have been motivated to quantize image data as in Shirakawa in to Osawa system because it would decrease the amount of data to be record.

**Claim9-10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al (Patent Number US 6,038,345) as applied to claim1-311-12 above, and further in view of Itoh et al (Pub. Number US 20030117385).

Regarding claim9 and 10, see the teaching of Osawa above. Osawa does not teach generating a synthesized image by adding the first image data multiplied by a first coefficient ( $k$ ) and second image data multiplied by a second coefficient ( $1-K$ ) where ( $0 < k < 1$ ). However Itoh et al teaches generating image by adding the first image data multiplied by a first coefficient ( $k$ ) and second image data multiplied by a second coefficient ( $1-K$ ) where ( $0 < k < 1$ ) (see figure 4 element 40,42 and 44; page6 paragraph 0098-0099).

One of ordinary skill in the art at the time the invention was made would have been motivated to generate synthesized image as Itoh in to Osawa system because it would help maintain quality (see Itoh page2 paragraph 0017-22).


Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Claim 4-6 is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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